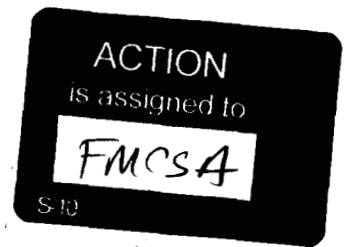


216754

The Honorable Norman Mineta
Secretary, U.S. Department of Transportation
500 Seventh Street, SW
Washington, D.C. 20590

DEPT. OF TRANSPORTATION
DOCKETS

2003 FEB -7 P 3:01



Re: Docket Nos. FMCSA-2001-9709⁷⁴¹ and FMCSA-2000-7382 — 817

Dear Secretary Mineta:

I am a truck driver, and a member of the International Brotherhood of Teamsters. I strongly urge you to **reconsider the rule** recently issued by the Federal Motor Carrier Safety Administration (FMCSA) (67 FR 49742), requiring States to revoke an individual's commercial drivers' license (CDL) if he/she is convicted of certain violations while operating their personal vehicles.

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With respect to the DWI offenses, each State has different laws for what happens to an individual's personal drivers license. For example, if a driver is convicted of a DWI, some states suspend their license for a year. A second conviction in some states would equate to a 3- or 5-year suspension. Under this new rule, a CDL holder would be treated differently than someone who just had a personal drivers license. Instead of 3- or 5-year suspension from a second conviction, a CDL holder would be barred from operating a CMV for his/her entire lifetime, even if the second offense occurs 15 or 20 years later. In other words, this rule goes too far. To take jobs away from commercial drivers for mistakes they make in their own personal vehicles isn't fair.

Separately, the FMCSA's new rule states that I will lose my CDL if I am convicted of certain traffic violations within a 3-year period – for example, if I receive more than one speeding ticket – while, again, operating my personal vehicle. This was clearly not the intent of Congress, which authorized the FMCSA to require the disqualification of a CDL holder's CMV driving privileges only after the person has been both convicted and has had his/her non-commercial drivers' license revoked, cancelled or suspended by the State.

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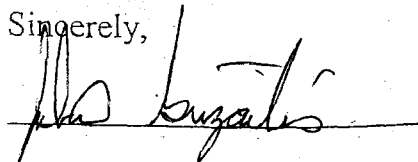
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Steven Wood

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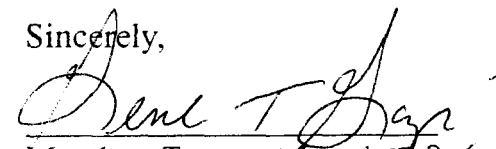
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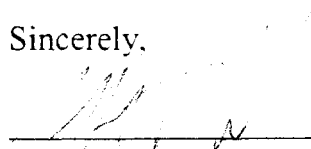
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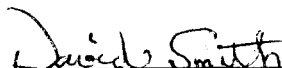
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Member, Teamster Local 726

La Sala Urges Mineta to Reconsider New CDL Rule

International President Jim La Sala has written to Secretary of Transportation Norman Mineta, October 30, requesting that the Federal Motor Carrier Safety Administration reconsider a recently-issued regulation which could disqualify commercial drivers' license (CDL) holders from driving commercial motor vehicles (CMVs) if they are convicted of certain serious traffic violations committed while operating a non-CMV (see *September-October 2002, In Transit, page 8*). Disqualification will also occur following any conviction for a drug or alcohol-related offense committed while driving a passenger vehicle.

Needlessly Threatens Livelihoods

The new penalties for non-CMV convictions are the same as the penalties for offenses committed while driving a CMV. Under this rule, a CDL holder will be disqualified for 60 days after a second conviction involving a non-CMV within a three year period, and for 120 days following a third or subsequent conviction. The new regula-

tion can be obtained from the *Federal Register* website at http://www.access.gpo.gov/su_docs/fedreg/a020731c.html.

In his letter La Sala asserted that, if left unchanged, the new rule "will needlessly threaten the livelihoods of tens of thousands of ATU members, as well as other CDL holders, without any commensurate benefit in terms of safety."

"Simply put," La Sala wrote, "why should anyone who receives two speeding tickets while driving his own car have his job placed in jeopardy, regardless of his professional safety record? ...not only is this policy wrong, but there is no statutory basis for the rule."

The letter lays out the ways in which the regulation goes beyond the language of the statute on which it is based, and concludes, "The ATU is prepared to seek judicial review to protect the interests of its members in this matter. We would hope, however, that court proceedings would be unnecessary in this case, where the policy is wrong and legal error so easily corrected."

Write Your Own Letter to Secretary Mineta:

ATU CDL members are urged to write to Transportation Secretary Norman Mineta to ask him to reconsider the new CDL regulation (see above) which could needlessly put many ATU members and other CDL holders out of work. A sample letter is provided below that members may use as the basis of a letter they write in their own words. The letter can also be sent electronically by going to <http://www.unionvoice.org/campaign/cdl>, or clicking on the appropriate link on the ATU website, atu.org.

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Please, reconsider this rule and amend its provisions to conform with the requirements set forth by Congress. My job could be at stake!

Sincerely,

NH Schroeder
6900 SE Overland
Milwaukie OR 97222

NH Schroeder
Member, ATU Local 757 Portland OR

